

REMARKS

Restriction Requirement

In Applicants' Response to the Restriction Requirement dated September 18, 2002, Applicants chose Group II out of the four possible groupings: namely, Claims 16-38, 43-46 and 49-54.

The Examiner's office action dated November 5, 2002 (Paper No. 12) discusses former Claims 1-15, and the Examiner improperly asserts that Applicants chose Group I of their claim groups.

Applicants respectfully request that the Examiner correct the official record to reflect that Applicants elected and are prosecuting Group II of the claim sets.

Claim Additions

New Claims 55 and 56 have been added. Claim 55 details the fractionating and mixing process while Claim 56 claims the important delayed filtering element. Support for new Claim 55 can be found in the specification at page 14, lines 19-36 and page 15, lines 1-4. Support for new Claim 56 can be found at page 15, lines 7-20. No new matter has been added.

35 U.S.C. § 112 Rejection

Claims 1-15 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, which Applicants regard as their invention. Claims 1-15 are not being prosecuted herein. The Examiner's rejections are therefore obviated.

35 U.S.C. § 102 Rejection

Claims 1-3 stand rejected under 35 U.S.C. § 102(b) as being anticipated by EP 893065. Claims 1-3 are not being prosecuted herein. The Examiner's rejection is therefore obviated.

35 U.S.C. § 103 Rejection

Claims 4-8 and 13-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the '065 reference. Claims 4-8 and 13-15 are not being prosecuted herein. The Examiner's rejection is therefore obviated.

Claims 1-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kalenian (U.S. Patent No. 6,203,837). Claims 1-15 are not being prosecuted herein. The Examiner's rejection is therefore obviated.

SUMMARY


All of the rejections in the Office Action have been discussed, as have the distinctions between the cited references and the claimed invention.

In light of the discussions contained herein, Applicants respectfully request reconsideration of the rejections and their withdrawal, and all of the claims allowed.

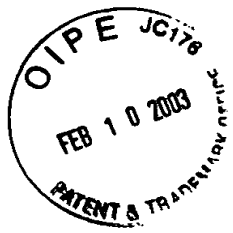
Issuance of a Notice of Allowance at an early date is earnestly solicited.

Respectfully submitted,

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UNMARKED COPY OF AMENDED CLAIMS

55. A process of forming a customized coffee beverage from a brewer, comprising:
- brewing a coffee extract;
 - fractionating the coffee extract at some time after the brew of the coffee extract into fractionated portions;
 - mixing two or more fractionated portions of the coffee extract at a time beginning at least five minutes after the brew of the coffee extract; and
 - storing the fractionated portions of the coffee extract in the brewer for no more than forty-eight hours.
56. A process of forming a customized coffee beverage from a brewer, comprising:
- brewing a coffee extract;
 - delaying the filtering of the beverage extract for a minimum period of about 5 minutes after the onset of brewing of the extract; and
 - storing the coffee extract in the brewer for no more than forty-eight hours.